

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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ERRICK T. BOLDEN,

Petitioner,

vs.

WARDEN MARION CORRECTIONAL  
INSTITUTION,

Respondent.

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Case No. 1:17-cv-318

OPINION & ORDER  
[Resolving Doc. [24](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In this case, Petitioner Errick Bolden asks the Court to grant him a writ of habeas corpus under [28 U.S.C. § 2254](#).<sup>1</sup>

Bolden's petition arises from a 2014 case where an Ohio jury found him guilty of felonious assault and the trial court sentenced him to nine years in prison. With his habeas claim, Petitioner claims that the trial court improperly: (i) failed to instruct the jury on a lesser included offense, (ii) denied his requests to substitute appointed counsel, and (iii) denied his motion for acquittal.<sup>2</sup> He also claims that his conviction was against the manifest weight of the evidence.<sup>3</sup>

Accordingly, Petitioner Bolden asks the Court for a writ of habeas corpus.<sup>4</sup> Magistrate Judge Ruiz issued a Report and Recommendation, recommending that the Court deny Bolden's request.<sup>5</sup> Neither party objected to this Report and Recommendation.<sup>6</sup>

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<sup>1</sup> Doc. [1](#).

<sup>2</sup> Doc. [1-1](#).

<sup>3</sup> *Id.*

<sup>4</sup> Doc. [1](#). Respondent filed a return of writ. Doc. [7](#). Petitioner filed a traverse. Doc. [9](#).

<sup>5</sup> Doc. [24](#).

<sup>6</sup> This is surprising since the Court gave Petitioner an additional forty-five days to file objections. Doc. [26](#).

If a party had objected to the Report and Recommendation, the Court would consider the objected-to findings and conclusions *de novo*.<sup>7</sup> However, because neither party has objected, they have forfeited the Court's review.<sup>8</sup> Moreover, the Court agrees with Judge Ruiz's thorough analysis and conclusions.

Accordingly, the Court **ADOPTS** the Report and Recommendation and **DENIES** Petitioner's request for a writ of habeas corpus.

IT IS SO ORDERED.

Dated: January 14, 2019

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>7</sup> 28 U.S.C. § 636(b)(1).

<sup>8</sup> *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985) (holding that Congress did not intend to “require district court review of a magistrate judge’s factual or legal conclusions . . . when neither party objects to those findings.”).